

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSE S. PEREZ,**

**Defendant.**

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**8:22CR139**

**ORDER**

This matter came before the Court on defendant, Jose S. Perez's Amended Motion for Release from Detention [108]. The government opposes the motion, and the release plan is not supported by Pretrial Services. As an initial matter, the defendant has entered a guilty plea to conspiracy to distribute 50 grams or more of actual methamphetamine, a Schedule II controlled substance. This offense carries a mandatory minimum sentence of 10 years of imprisonment. 21 U.S.C. § 841(b)(1). The plea was accepted by the Court, now mandating detention pending sentencing. 18 U.S.C. § 3143(a)(2). Furthermore, the release plan is moot as the motion was filed the morning of the proffered release date, which has now passed. Finally, the release plan fails to rebut the presumption in favor of the government for detention, nor does it mitigate the Court's concerns as to flight and danger upon application of the 3142(g) factors under the Bail Reform Act. 18 U.S.C. § 3142(e). The [108] motion must be, and is, denied.

**DATED: August 18, 2023.**

**BY THE COURT:**

**s/ Michael D. Nelson  
United States Magistrate Judge**